

Panaji, 23rd September, 1976 (Asvina 1, 1898)

SERIES I No. 26

OFFICIAL GAZETTE

GOVERNMENT OF GOA, DAMAN AND DIU

GOVERNMENT OF GOA, DAMAN AND DIU

Special Department.

Notification

1-41(2)/76-SPL

In exercise of the powers conferred by the proviso to article 309 of the Constitution, read with the Government of India, Ministry of Home Affairs Notification No. F.1/29/68-GP dated the 29th June, 1968 the Administrator of Goa, Daman and Diu is pleased to make the following rules relating to recruitment to the Group 'A' post of Director of Education under the Government of Goa, Daman and Diu.

1. **Short title.** — These rules may be called Government of Goa, Daman and Diu, Director of Education Group 'A' Gazetted post Recruitment Rules 1976.

2. **Application.** — These rules shall apply to the posts specified in column 1 of the Schedule to these rules.

3. **Number, classification and scale of pay.** — The number of posts, classification of the said posts and the scales of pay attached thereto shall be as specified in columns 2 to 4 of the said Schedule.

4. **Method of recruitment, age limit and other qualifications.** — The method of recruitment of the said posts, age limit, qualifications and other matters connected therewith shall be as specified in columns 5 to 13 of the aforesaid Schedule.

Provided that,

- (a) the maximum age limit specified in the Schedule in respect of direct recruitment

may be relaxed in the case of candidates belonging to the Scheduled Tribes and other special categories in accordance with the orders issued by the Government from time to time; and

- (b) no male candidate, who has more than one wife living and no female candidate, who has married a person having already a wife living, shall be eligible for appointment, unless the Government, after having been satisfied that there are special grounds for doing so, exempts any such candidate from the operation of this rule.

5. **Power to relax.** — Where the Administrator is of the opinion that it is necessary or expedient so to do, he may, by order, for reasons to be recorded in writing and in consultation with the Union Public Service Commission, relax any of the provisions of these rules in respect of any category of persons /posts.

6. These rules shall come into effect from the date of their publication and will relate to appointments to the various posts made on or after this date.

7. These rules are issued in supersession of the recruitment rules existing for the post and with approval of Union Public Service Commission granted under their letter No. F.3/29(6)/76-RR dated 7th August, 1976.

T. Kipgen

Chief Secretary

Panaji, 31st August, 1976.

SCHEDULE

Name of the post	No. of posts	Classification	Scale of Pay	Whether Selection Post or non-Selection Post	Age limit for direct recruits	Educational and other qualifications required for direct recruits	Whether age and educational qualifications prescribed for the direct recruits will apply in the case of promotees	Period of probation, if any	Method of recruitment whether by direct recruitment or by promotion or by deputation/transfer, and percentage of the vacancies to be filled by various methods	In case of recruitment, by promotion/deputation/transfer, grades from which promotion/deputation/transfer is to be made	If a DPC exists, what is its composition	Circumstances in which U. P. S. C. is to be consulted in making recruitment
1	2	3	4	5	6	7	8	9	10	11	12	13
Director of Education	1	General Central Service Group 'A' Gazetted	Rs. 1500-60-1800	Selection	Not exceeding 45 years (Relaxable for Govt. servants)	<p>Essential:</p> <p>i) At least 2nd class Master's Degree of a recognised University or equivalent.</p> <p>ii) Degree in Teaching/Education of a recognised University or equivalent.</p> <p>iii) 10 years' experience in the field of Education including 5 years' in a responsible administrative capacity.</p> <p>(Qualifications relaxable at the discretion of the Union Public Service Commission in case of candidates otherwise well qualified; in particular the qualifications regarding experience is relaxable in case of candidates belonging to Scheduled Castes or Scheduled Tribes for posts reserved for them).</p> <p>Desirable:</p> <p>i) Knowledge of local languages.</p> <p>ii) Experience of work in an examining body e.g. Board of High/Higher Secondary Education.</p>	Age: No Educational qualification: Yes	Two years	By promotion or transfer on deputation or direct recruitment, particular method to be adopted on each occasion being decided in consultation with the Union Public Service Commission.	<p>Promotion:</p> <p>Deputy Director of Education with 5 years service in the grade rendered after appointment thereto on a regular basis.</p> <p>Transfer on Deputation:</p> <p>Officers of the Indian Administrative Service of appropriate seniority.</p> <p>OR:</p> <p>Officers holding analogous posts in the Education Departments of the Central/State Governments.</p> <p>(The period of deputation shall ordinarily not exceed 4 years).</p>	Group 'A' Departmental Promotion Committee consisting of Member/Chairman of U.P.S.C. Chief Secretary Goa Administration & Administrative Secretary.	Selection on each occasion shall be made in Consultation with the Union Public Service Commission.

Note:—The crucial date for determining the age limit shall be the closing date for receipt of applications from candidates in India (other than those in Andaman and Nicobar Islands and Lakshadweep).

Home Department (Transport and Accommodation)

Notification

HD(TA-Tpt)/11-52/75

In exercise of the powers conferred by sub-section (1) of section 3 of the Goa, Daman and Diu Motor Vehicles Tax Act, 1974 (Act No. 8 of 1974), the Administrator of Goa, Daman and Diu hereby makes the following amendment to the Government Notification No. HD (TA-Tpt)/11-52/75(a) dated 19/1/1976 published in the Government Gazette, Extraordinary No. 2, Series I, No. 42 dated 20/1/1976 at page 503 (hereinafter called the said "Notification"), namely:—

In the said Notification, the following proviso shall be added at the end namely:—

"Provided that where the authorisation in respect of the National Permit is granted at any time after the first quarter of the financial year, the tax shall be assessed on pro-rata basis for the remaining quarters of the financial year, including the quarter in which such authorisation is granted."

By order and in the name of the Administrator of Goa, Daman and Diu.

G. M. Sardesai, Under Secretary (Home).

Panaji, 14th September, 1976.

Law and Judicial Department

Notification

LD/3487/76

The following Notification received from the Judicial Commissioner's Court, Panaji is hereby published for general information of the public.

M. S. Borkar, Under Secretary (Law).

Panaji, 27th August, 1976.

Notification

In exercise of powers conferred by Art. 229 of the Constitution of India and all other powers enabling him in this behalf, the Judicial Commissioner of Goa, Daman and Diu is hereby pleased to make the following rules regulating the appointment to and condition of service of Officers and Servants of the Judicial Commissioner's Court except so far as they relate to salaries, allowances, leave and pension.

1. *Short Title.*— These rules shall be called the Judicial Commissioner's Court (Appointment, Condition of Service and Conduct) Rules, 1976.

2. *Application.*— A. These rules shall come into force with immediate effect.

B. These rules shall apply to all Court servants appointed to various posts before, on, or after the coming into force of these rules.

Provided that the appointments of Court servants made before the commencement of these rules shall be deemed to have been made under these rules and shall not be adversely affected thereby.

3. *Definitions.*— In these rules unless the context otherwise requires.

A. "Judicial Commissioner" means "The Judicial Commissioner of Goa, Daman and Diu".

B. "Constitution" means "The Constitution of India".

C. "Court" means "The Judicial Commissioner's Court".

D. "Court Servants" means an Officer or Servant appointed to or borne on the cadre of the staff of the Judicial Commissioner's Court shown in the first schedule as amended from time to time.

E. "Deputation" means either the temporary loan by an outside authority of the service of one of its servants to the Court or a temporary loan by the Court of the services of a Court servant to any outside authority.

F. "Disciplinary Authority" means the authority competent under these rules to impose on the Court Servant the penalty;

G. "Post" means a post in Judicial Commissioner's Court.

H. "Recognised University" means any University incorporated by law in India, or other University which is declared by the Judicial Commissioner to be a recognised University, for the purpose of these rules;

I. "Registrar" means the Registrar of the Judicial Commissioner's Court.

J. "Schedule" means a Schedule to these rules.

K. "Scheduled Castes" and "Scheduled Tribes" shall have the meaning given to these expressions by Articles 341 and 342 of the Constitution respectively;

L. "Service" means regular service in the Judicial Commissioner's Court and shall include service rendered before the defunct Court of the "Relacao", Goa.

PART II

4. *Method of Recruitment.*— Recruitment to a post or class of posts may be made by one or more of the following methods, namely:—

(a) by promotion of a Court Servant on the basis of seniority-cum-merit or on the basis of merit-cum-seniority as provided in the Second Schedule. When promotion is on the latter basis the selection will be, in the discretion of the Judicial Commissioner either on the basis of his service record or on the basis of oral and/or written departmental examinations as may be prescribed from time to time by the Judicial Commissioner.

(b) by direct recruitment on the basis of such examination as may be prescribed by the Judicial Commissioner from time to time.

(c) by transfer or deputation of a person serving outside the Court in connection with the affairs of the Union Territory of Goa, Daman and Diu, notwithstanding the provisions made in the Second Schedule.

Note: — It shall be open to the Judicial Commissioner in his absolute discretion to select any one or more of such methods for effecting such appointment.

5. *Representation for scheduled castes, scheduled tribes and ex-servicemen.* — To secure better representation for scheduled castes, scheduled tribes and ex-servicemen, the percentage of posts to be filled up by direct recruitment shall be as per Rules/Orders issued by the Central Government in this regard from time to time. Such reservation shall be subject to the condition that the candidates possess, unless relaxed by the appointing authority, the minimum qualifications as mentioned in Schedule II.

6. *Qualifications.* — (a) The qualifications for the appointment to any post or class of posts shall be as are specified in the Second Schedule; provided that the Judicial Commissioner may, by general or special order, relax the qualifications as aforesaid and/or add to the qualifications for a post or class of posts.

6. *Disqualification.* — (b) No male candidate who has more than one wife living and no female candidate who is married to a person having already a wife living, shall be eligible for appointment to the post specified in Schedule I under any of the methods specified in Rule 4, unless the Judicial Commissioner after having satisfied that there are grounds for doing so, exempts such candidate from the operation of this rule.

7. *Appointing Authority.* — All appointments to the posts shall be made by the Judicial Commissioner in his absolute discretion.

8. *Probation.* — Every person appointed to a post by promotion or by direct recruitment shall be on probation for a period of two years; provided that the period of probation may in the case of any person be extended or reduced or dispensed with altogether by order of the Judicial Commissioner.

9. *Temporary Appointment.* — (a) Where it is necessary to fill a vacancy in any post and undue or administrative inconvenience is expected in appointing a person who is qualified for or entitled to such appointment or a duly qualified person is not available, the appointing authority may appoint any other suitable person temporarily until an appointment is made in accordance with these rules.

(b) (i) A person appointed under sub-rule (a) shall be replaced as soon as possible by a member of the regular service in the Judicial Commissioner's Court, who is entitled to promotion under these rules, or, as the case may be, by a candidate selected for direct appointment under these rules.

(ii) A person appointed under sub-rule (a) shall not be regarded as a probationer holding the post nor will he be entitled by reason only of such appointment to any preferential claim to future appointment to that post.

(iii) If such a person is subsequently appointed to that post in accordance with these rules, he shall commence his probation in such division, category or post from the date of such subsequent appointment or from such earlier date as the Judicial Commissioner may determine.

10. *Seniority.* — (a) (i) Persons appointed in a substantive or officiating capacity to a grade on the date immediately preceding the date on which these rules come into force, shall retain the relative seniority already assigned to them or such seniority as may hereafter be assigned to them.

Explanation. — For the purposes of these rules, persons serving as Court servants on the date preceding the date on which these rules come into force and who are subsequently confirmed retrospectively with effect from a date before these rules come into force shall be deemed to permanent members of the grade.

(ii) Subject to the provisions of sub-rules (1) and (19) of this rule permanent members of each grade shall be ranked senior to persons who are officiating in that grade.

(iii) Direct appointees. — Notwithstanding the provisions of sub-rule (ii), the above relative seniority of the Direct appointees shall be determined by the order of merit in which they are selected for appointment and persons appointed as a result of an earlier selection will be senior to those appointed as a result of a subsequent selection.

Provided that where the persons appointed on probation are confirmed subsequently in an order different from the order of merit indicated at the time of their appointment, seniority shall follow the order of confirmation and not the original order of merit.

Provided further that a person who does not join, within the prescribed period, the post to which he is appointed, shall lose his seniority according to the selection and shall rank in the seniority list next to the person who joined earlier.

Provided further that he shall not lose his seniority if the fact of his joining later was caused by circumstances beyond his control and, for reasons to be recorded in writing, the appointing authority is satisfied that this was so.

(iv). *Promotees.* — The relative seniority of persons promoted to the various grades shall be determined by the order of their selection for such promotion, provided that where persons promoted initially on temporary basis are confirmed subsequently in an order different from the order of merit indicated at the time of the promotion, seniority shall follow the order of confirmation and not the original order of merit.

0. (b) (i). Seniority shall be determined separately for each category of posts carrying the same grade of pay.

(ii). Within the posts carrying the same grade on confirmation, seniority shall be determined from the date of confirmation.

10. (c) In case of any dispute regarding seniority the same shall be decided by the Judicial Commissioner whose decision shall be final.

11. *Conditions of service.* — In respect of all such matters regarding the conditions of service of Court servants for which no provision or insufficient provision has been made in these rules, the rules and orders for the time being in force applicable to servants holding corresponding posts in the Union Territory of Goa, Daman and Diu shall, until provision is made by the Judicial Commissioner in that behalf shall regulate the conditions of service of Court servants subject to such modifications variations, or exceptions, if any, in the said rules and orders, as the Judicial Commissioner may, from time to time specify.

Provided that no order containing modifications, variations or exceptions in the rules relating to salaries, allowances, leave or pension shall be made by the Judicial Commissioner without the approval of the Governor.

Provided further that the powers exercisable under the rules and orders of the Government of Goa, Daman and Diu by the Lt. Governor or by any authority subordinate to the Lt. Governor shall be exercised by the Judicial Commissioner or by such person as he may, by general or special order direct.

Provided further that the Judicial Commissioner will determine the post in the Government which corresponds to a post shown in the First Schedule.

12. *Transfers.* — Incumbents of posts carrying corresponding scales and grades of pay shall be subject to inter se transfers, to be effected in the discretion of the Judicial Commissioner.

PART III

13. *Control.* — The Court servants shall be governed by the rules contained in the Central Services (Classification, Control and Appeal) Rules, 1965 and other rules and provisions of law, as amended from time to time, applicable to Government servants as far as practicable in respect of suspension, discipline and punishment.

Provided that the authorities mentioned in those rules and any other provision of law, shall be the Judicial Commissioner or a Judge appointed by the Judicial Commissioner or the Registrar if empowered by the Judicial Commissioner in that behalf.

14. *Appeal.* — Where any penalty is imposed by the Registrar or by a Judge appointed as aforesaid by virtue of rule 13 an appeal shall lie from that order to the Judicial Commissioner and where any penalty is imposed by the Judicial Commissioner otherwise than on an appeal from the order of the Judge an appeal from that order shall lie to a Bench of not less than two Judges of the Judicial Commissioner's Court which may include the Judicial Commissioner.

15. *Limitation for filing appeal.* — (a). The period of limitation for filing an appeal shall be 30 days from the date of the order appealed against, provided that for reasons to be recorded in writing the period may be extended by the Judicial Commissioner. In computing the period for filing an appeal, the time requisite for obtaining a copy of the order appealed against shall be excluded.

(b). A person who files an appeal under these rules shall do so by a petition which shall be pre-

sented personally to the Registrar of the Judicial Commissioner's Court.

(c). After reading the petition of appeal the appellate authority may either summarily reject it without hearing the petitioner or may in its discretion dispose of it after hearing the petitioner and any other person concerned with the matter. Legal practitioners will not be permitted to appear in these proceedings except with the permission of the Judicial Commissioner.

PART IV

16. *Discipline.* — (1) Every Court servant shall at all times maintain absolute integrity and devotion to duty.

(2) No Court servant shall act in a manner prejudicial to discipline and good order in the Registry.

(3) The rules and orders for the time in force and applicable to servants holding corresponding posts in the Government of Goa, Daman and Diu in regard to conduct shall apply mutatis mutandis to the Court servants subject to such modifications, variations or exceptions, if any, in the said rules and orders as the Judicial Commissioner may, from time to time, specify.

PART V

17. *Residuary Powers.* — Nothing in these rules shall be deemed to affect the powers of the Judicial Commissioner to make such order from time to time as he may deem fit in regard to all matters incidental or ancillary to these rules not specifically provided for herein or in regard to matters as have not been provided for or not been sufficiently provided for.

18. *Interpretation.* — All questions relating to the interpretation of these rules shall be referred to the Judicial Commissioner whose decision thereon shall be final.

19. *Removal of difficulties.* — If any difficulty arises in giving effect to any of the provisions of these rules, the Judicial Commissioner may by order in writing do what appears to him to be necessary for the purpose of removing the difficulty.

20. *Relaxation.* — Where the Judicial Commissioner is satisfied that the operation of any rule causes undue hardships in any particular case he may by order dispense with or relax the requirement of that rule to such extent and subject to such conditions as he may consider necessary for dealing with the case in a just and equitable manner.

Tito Menezes, Judicial Commissioner.

SCHEDULE I

Posts

Sl. No.	Name of post	Scale of Pay	No. of posts
1.	Asst. Registrar	Rs. 550-20-650-25-750	1
2.	Superintendent	— do —	2
3.	Steno-cum-P. A.	Rs. 425-15-500-EE-15-560-20-700	2
4.	Stenographer	— do —	3
5.	Asst. Sheristedar	— do —	2
6.	Head Clerk	— do —	1

Sr. No.	Name of post	Scale of pay	No. of posts	Sr. No.	Name of post	Scale of pay	No. of posts
7.	Translator	Rs. 425-15-500-EB-15-560-20-640-EB-20-700-27-750	8	14.	Librarian	Rs. 260-6-290-EB-6-326-8-366-EB-8-390-10-400	1
8.	Accountant	Rs. 425-15-560-EB-20-640	1	15.	Copyist	— do —	1
9.	Judicial Clerk	Rs. 330-10-380-EB-12-500-EB-15-560	2	16.	Record-Keeper-cum-Copyist	— do —	1
10.	Accounts Clerk	— do —	2	17.	L. D. C. Typist	— do —	9
11.	Record-Keeper	— do —	1	18.	Asst. Nazir	— do —	1
12.	U. D. Clerk	— do —	2	19.	Driver	Rs. 260-6-326-EB-8-350.	1
13.	Jr. Stenographer	— do —	1				

SCHEDULE II

Note:— In this Schedule the word «Promotion» shall mean promotion on the basis of seniority-cum-merit and the word «Selection» shall mean promotion on the basis of merit-cum-seniority.

Sl. No.	Name of the Post	Classification	Scale of Pay	Method of Recruitment, qualifications for the post/grade from which promotion to be made
(1)	(2)	(3)	(4)	(5)
1.	Assistant Registrar	Group C (Non-Gazetted).	Rs. 550-20-650-25-750	(a) By direct recruitment from amongst the Court servants and officials of the Courts subordinate to the Judicial Commissioner's Court serving or having served in the grade starting with Rs. 425/- with the minimum service of 3 years in the grade. Essential Qualification: Degree in Law. (b) By selection from amongst Court servants serving as Asstt. Sheristadars, Head Clerks, Translators, Steno-cum-P.As., Sr. Stenographers and Accountant with a minimum service of 3 years in the grade. Essential Qualification: Degree in Law.
2.	Superintendent	— do —	— do —	(a) By direct recruitment from amongst the Court servants and officials of the Courts subordinate to the Judicial Commissioner's Court serving or having served in the grade starting with Rs. 425/- with the minimum service of 3 years in the grade. Essential Qualification: Degree in Law. (b) By selection from amongst Court servants serving or having served as Asstt. Sheristadars, Head Clerks, Translators, Steno-cum-P.A., Sr. Stenographers and Accountant with a minimum service of 3 years in the grade.
3.	Stenographers/P.A.-cum-Stenographers	— do —	Rs. 425-15-500-EB-15-560-20-700	(a) By direct recruitment from amongst the Court servants and officials of the Courts subordinate to the Judicial Commissioner's Court serving or having served in the grade not less than Rs. 330-10-380-EB-12-500-EB-15-560 and with the minimum service of 3 years and with the qualifications of Intermediate or senior Cambridge or equivalent qualification; and having speed of 120 w.p.m. in shorthand and 50 w.p.m. in typing.
4.	Translators	— do —	Rs. 425-15-500-EB-15-560-20-640-EB-20-700-25-750	(a) By direct recruitment from amongst the Court servants and officials of the Courts subordinate to the Judicial Commissioner's Court, serving or having served in the grade of not less than Rs. 330-560 with the minimum service of 3 years and possessing sound knowledge of English and of any of 3 languages Konkani/Portuguese/Marathi. (b) By selection from amongst the Court servants, serving or having served in the grade of Rs. 330-560 with the minimum service of 3 years in the grade and possessing sound knowledge of English and of any of 3 languages Konkani/Portuguese/Marathi.

(1)	(2)	(3)	(4)	(5)
5. Assistant Sheris- tedars	— do —	Rs. 425-15-500-EB-15- -560-20-700		(a) By promotion from amongst the Court servants serving in the grade of Rs. 330-560 with the minimum experience of 3 years in the respective grade. (b) By direct recruitment from amongst the Court servants and officials of the subordinate Courts serving or having served in the grade of Rs. 330-600 with a minimum service of 3 years in the grade.
6. Accountant	— do —	Rs. 425-15-560-EB-20- -640.		(a) By selection from amongst the Court servants, serving or having served in the grade of Rs. 330-560 with the minimum service of 3 years in the grade and knowing Accounts Work. (b) By direct recruitment from amongst the Court servants and officials of the subordinate Courts serving in the grade of Rs. 330-600 with the minimum service of 3 years in the grade.
7. Head Clerk	Group C (Non-Ga- zatted).	Rs. 425-15-500-EB-15- -560-20-700		(a) By selection from amongst the Court servants serving or having served in the grade of Rs. 330-560 with the minimum service of 3 years in the grade preferably in administrative work. (b) By direct recruitment from amongst the Court servant and officials of the subordinate Courts serving or having served in the grade of Rs. 330-560 with a minimum service of 3 years in the grade.
8. Jr. Stenographer	— do —	Rs. 330-10-380-EB-12- -500-EB-15-560		By direct recruitment from amongst the Court servants and officials of the Courts subordinate to the Judicial Commissioner's Court, serving in the grade not less than Rs. 260-6-290-EB-6-326-8-366-EB-8-390-10-400 with the minimum service of 3 years having speed of 100 w.p.m. in shorthand and 35 w.p.m. in typing.
9. U.D.C./Judicial Clerk/Accounts Clerk/Record Keeper	— do —	— do —		(a) By selection from amongst the Court servants serving in the grade of Rs. 260-400 with 3 years of service in the grade; or (b) By direct recruitment from amongst the Court servants and officials of the Courts subordinate to this Court and serving in the grade not less than Rs. 260-400 with a minimum service of 3 years in the grade.
10. Librarian	— do —	(a) Rs. 260-8-300-EB-8- -340-10-380-EB-10-430 (certificate holder) (b) Rs. 260-6-290-EB-6- 326-8-366-EB-8-390- -10-400 (for others)		By direct recruitment from amongst candidates possessing S.S.C. or equivalent qualifications and preferably with certificate in library science.
11. L.D.C./Copyist/ Typist/Asst. Nazir	— do —	Rs. 260-6-290-EB-6-326- -8-360-EB-8-390-10-400		(a) By promotion from Group D employees of Court servants of Judicial Commissioner's Court — 12½% with the minimum qualifications of S.S.C. or equivalent qualifications and minimum experience of 3 years in the grade. (b) Direct recruitment — 87½ amongst the candidates possessing S.S.C. or equivalent qualification and having a speed of 30 w.p.m. in typing.
12. Driver (Light vehicle)	— do —	Rs. 260-6-326-EB- -8-350		(a) By direct recruitment from amongst group D, servants of this Court and group D employees of the Courts subordinate to this Court with 3 years experience in the grade and possessing driving licence of light vehicle with two years unblemished experience in the line and Std. VII of a recognised School. (b) By selection from amongst group D servants of this Court with 3 years experience in the grade and possessing driving licence of light vehicle with two years unblemished experience in the line and Std. VII of a recognised School.

Tito Menezes, Judicial Commissioner Goa, Daman and Diu.

Panaji, 27th August, 1976.

Notification

LD/2737-II-76

The following Central Bill The Indian Lighthouse (Amendment) Bill, 1976 which was recently passed by the Parliament and assented to by the President of India on 20th March, 1976 and published in the Gazette of India Part II, Section I dated 20th March, 1976 is hereby republished for general information of the public.

B. S. Subbanna, Under Secretary (Law).

Panaji, 21st June, 1976.

The Indian Lighthouse (Amendment) Act, 1976

AN
ACT

further to amend the Indian Lighthouse Act, 1927

Be it enacted by Parliament in the Twenty-seventh Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Indian Lighthouse (Amendment) Act, 1976.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Amendment of section 1.*—In section 1 of the Indian Lighthouse Act, 1927 17 of 1927. (hereinafter referred to as the principal Act), in sub-section (1), the word "Indian" shall be omitted.

3. *Substitution of the words "proper officer" for the word "Customs collector".*—Throughout the principal Act, for the expression "Customs collector", wherever it occurs, the expression "proper officer" shall be substituted.

4. *Amendment of section 2.*—In section 2 of the principal Act,—

(i) clause (a) shall be omitted;

(ii) in clause (h), the word "and" occurring at the end shall be omitted;

(iii) after clause (h), the following clause shall be inserted, namely:—

“(hh) “proper officer”, in relation to any functions to be performed under this Act, means the officer of Customs who is assigned those functions by the Central Board of Excise and Customs constituted under the Central Boards of Revenue Act, 1963, and includes any person appointed by the Central Government to discharge the functions of a proper officer under this Act;” 54 of 1963.

(iv) in clause (i), for the words and figures “Indian Merchant Shipping Act, 1923”, the words and figures “Merchant Shipping Act, 1958” shall be substituted. 21 of 1923. 44 of 1958.

5. *Amendment of section 10.*—In sub-section (1) of section 10 of the principal Act, for the words “fifty

naye paise per ton”, the words “one rupee and fifty paise per ton” shall be substituted.

6. *Amendment of section 12.*—In section 12 of the principal Act,—

(i) for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) For the purpose of the levy of light-dues, a ship's tonnage shall be reckoned as under the Merchant Shipping Act, 1958, for dues payable 44 of 1958. on a ship's tonnage.”;

(ii) in sub-section (2), for clause (a), the following clause shall be substituted, namely:—

“(a) if the ship is registered under any law for the time being in force in India or under the law of any country, other than India, being a country the ships of which are recognised or accepted by the Central Government to be of the tonnage denoted in their certificates of registry or other national papers under any order made under any enactment repealed by sub-section (1) of section 461 of the Merchant Shipping Act, 1958, and continued in force under clause (a) of sub-section (3) of that section or under any rule made under clause (b) of sub-section (2) of section 74 of the said Act (any such ship being hereafter in this section referred to as registered ship), require the owner or master or other person having possession of the ship's register or other papers denoting her tonnage to produce the same for inspection and, if such owner, master or other person refuses or neglects to produce the register or papers, as the case may be, or otherwise to satisfy the proper officer as to the tonnage of the ship, cause the ship to be measured and the tonnage to be ascertained; or”.

7. *Insertion of new section 19A.*—After section 19 of the principal Act and before the heading “ACCOUNTS”, the following section shall be inserted, namely:—

“19A. *Fees.*—Fees may be charged for providing assistance to ships for calibrating their Wireless Direction Finders and for rendering other services to vessels, at such rates as the Central Government may specify in the rules made under this Act.”.

8. *Omission of section 20A.*—Section 20A of the principal Act and the heading “DELEGATION OF POWERS” occurring before that section shall be omitted.

9. *Amendment of section 21.*—In section 21 of the principal Act,—

(i) in sub-section (1), for the words “may make rules”, the words “may, by notification in the Official Gazette, make rules” shall be substituted;

(ii) in sub-section (2),—

(a) in clause (c), the word “and” occurring at the end shall be omitted;

(b) after clause (c), the following clause shall be inserted, namely: —

“(cc) the rates of fees for providing assistance to ships for calibrating their Wireless Direction Finders and for rendering other services to vessels;”;

(c) after sub-section (2), the following sub-section shall be inserted, namely: —

“(3) Every rule made by the Central Government under this section shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule, or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.”.

Notification

LD/2737-I/76

The following Central Bills The Supreme Court Judges (Conditions of Service) Amendment Bill, 1976 and The High Court Judges (Conditions of Service) Amendment Bill, 1976 which were recently passed by the Parliament and assented to by the President of India on 18th March, 1976 and published in the Gazette of India Part II, Section I dated 19/3/76 is hereby republished for general information of the public.

B. S. Subbanna, Under Secretary (Law).

Panaji, 21st June, 1976.

The Supreme Court Judges (Conditions of Service) Amendment Act, 1976

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further to amend the Supreme Court Judges (Conditions of Service) Act, 1958.

Be it enacted by Parliament in the Twenty-seventh Year of the Republic of India as follows: —

1. *Short title and commencement.* — (1) This Act may be called the Supreme Court Judges (Conditions of Service) Amendment Act, 1976.

(2) It shall be deemed to have come into force on the 1st day of October, 1974.

2. *Amendment of section 14.* — In the Supreme Court Judges (Conditions of Service) Act, 1958 (hereinafter referred to as the principal Act), section 14 shall be renumbered as sub-section (1) thereof and after sub-section (1) as so renum-

bered, the following sub-section shall be inserted, namely: —

“(2) Notwithstanding anything contained in sub-section (1), any Judge to whom that sub-section applies and who is in service on or after the 1st day of October, 1974, may, if he has elected under the proviso to that sub-section to receive the pension payable to him under Part II or, as the case may be, Part III of the Schedule before the date on which the Supreme Court Judges (Conditions of Service) Amendment Act, 1976, receives the assent of the President cancel such election and elect afresh to receive the pension payable to him under Part I of the Schedule and any such Judge who dies before the date of such assent, shall be deemed to have elected afresh to be governed by the provisions of the said Part I if the provisions of that Part are more favourable in his case.”.

3. *Insertion of new section 16A.* — After section 16 of the principal Act, the following section shall be inserted, namely: —

‘16A. *Family pension and gratuity.* — (1) The rules, notifications and orders for the time being in force with respect to the grant of family pension in relation to an officer of the Central Civil Services, Class I, shall apply to the grant of family pension in relation to a Judge who, being in service on or after the 1st day of October, 1974, dies, whether before or after retirement, in circumstances to which section 16 does not apply.

(2) The rules, notifications and orders for the time being in force with respect to the grant of death-cum-retirement gratuity benefit to or in relation to an officer of the Central Civil Services, Class I (including the provisions relating to deductions from pension for the purpose) shall apply to or in relation to the grant of death-cum-retirement gratuity benefit to or in relation to a Judge who, being in service on or after the 1st day of October, 1974, retires, or dies in circumstances to which section 16 does not apply, subject to the modifications that —

(i) the minimum qualifying service for the purpose of entitlement to the gratuity shall be two years and six months;

(ii) the amount of gratuity shall be calculated on the basis of twenty days' salary for each completed year of service as a Judge; and

(iii) the maximum amount of gratuity payable shall be thirty thousand rupees.

Explanation. — In this section, the expression “Judge” has the same meaning as in section 13.’

4. *Insertion of new sections 23A, 23B and 23C.* — After section 23 of the principal Act, the following sections shall be inserted, namely: —

“23A. *Conveyance allowance.* — Every Judge shall be entitled to a conveyance allowance of three hundred rupees per month, subject to the maintenance of a motor car by him.

23B. *Sumptuary allowance.* — The Chief Justice and each of the other Judges shall be entitled

to a sumptuary allowance of five hundred rupees per month and three hundred rupees per month respectively.

23C. *Medical facilities for retired Judges.*— Every retired Judge shall, with effect from the date on which the Supreme Court Judges (Conditions of Service) Amendment Act, 1976 receives the assent of the President, be entitled, for himself and his family, to the same facilities as respects medical treatment and on the same conditions as a retired officer of the Central Civil Services, Class I and his family, are entitled under any rules and orders of the Central Government for the time being in force.”

5. *Amendment of section 24.*— In section 24 of the principal Act, for sub-section (3), the following sub-section shall be substituted, namely:—

“(3) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.”

6. *Amendment of the Schedule.*— In the Schedule to the principal Act,—

(1) In Part I, after paragraph 5, the following paragraph shall be inserted, namely:—

‘6. In the case of a Judge to whom this Part applies and who has retired on or after the 1st day of October, 1974, the foregoing provisions of this Part shall have effect subject to the modifications that—

(a) in paragraph 2,—

(i) in clause (b),—

(A) for the figures “470”, the figures “658” shall be substituted;

(B) for the figures “1,200”, the figures “1,680” shall be substituted;

(ii) in the proviso, for the figures “26,000”, the figures “36,400” shall be substituted;

(b) in paragraph 5 for the figures “7,500”, the figures “10,500” shall be substituted.’

(2) In Part II, after paragraph 2, the following paragraph shall be inserted, namely:—

‘3. In the case of a Judge to whom this Part applies and who has retired on or after the 1st day of October, 1974, the foregoing provisions of this Part shall have effect subject to the modifications that in paragraph 2,—

(i) in clause (b), for the figures “1,400”, the figures “1,960” shall be substituted;

(ii) in the proviso, for the figures “20,000”, the figures “28,000” shall be substituted.’

(3) In Part III, after paragraph 2, the following paragraph shall be inserted, namely:—

‘3. In the case of a Judge to whom this Part applies and who has retired on or after the 1st day of October, 1974, the foregoing provisions of this Part shall have effect subject to the modifications that in clause (b) of paragraph 2, for the figures “500” and “2,500”, the figures “700” and “3,500” shall respectively be substituted.’

The High Court Judges (Conditions of Service) Amendment Act, 1976

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further to amend the High Court Judges (Conditions of Service) Act, 1954.

Be it enacted by Parliament in the Twenty-seventh Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the High Court Judges (Conditions of Service) Amendment Act, 1976.

(2) Save as otherwise provided, it shall be deemed to have come into force on the 1st day of October, 1974.

2. *Amendment of section 15.*— In the High Court Judges (Conditions of Service) Act, 1954 (hereinafter referred to as the principal Act), section 15 shall be renumbered as sub-section (1) thereof and after sub-section (1) as so renumbered, the following sub-section shall be inserted, namely:—

28 of 1954.

“(2) Notwithstanding anything contained in sub-section (1), any Judge to whom that sub-section applies and who is in service on or after the 1st day of October, 1974, may, if he has elected under the proviso to that sub-section to receive the pension payable to him under Part II or, as the case may be, Part III of the First Schedule before the date on which the High Court Judges (Conditions of Service) Amendment Act, 1976, receives the assent of the President cancel such election and elect afresh to receive the pension payable to him under Part I of the First Schedule and any such Judge who dies before the date of such assent shall be deemed to have elected afresh to be governed by the provisions of the said Part I if the provisions of that Part are more favourable in his case.”

3. *Amendment of section 17A.*— Section 17A of the principal Act shall be renumbered as sub-section (1) thereof and,—

(a) in sub-section (1) as so renumbered, after the words “the First Schedule”, the words “retires, or” shall be, and shall be deemed always to have been, inserted;

(b) after sub-section (1) as so amended, the following sub-sections shall be inserted, namely:—

‘(2) The rules, notifications and orders for the time being in force with respect to the grant

of family pension in relation to an officer of the Central Civil Services, Class I, shall apply to the grant of family pension in relation to a Judge who, being in service on or after the 1st day of October, 1974, dies, whether before or after retirement, in circumstances to which section 17 does not apply.

(3) The rules, notifications and orders for the time being in force with respect to the grant of death-cum-retirement gratuity benefit to or in relation to an officer of the Central Civil Services, Class I (including the provisions relating to deductions from pension for the purpose) shall apply to or in relation to the grant of death-cum-retirement gratuity benefit to or in relation to a Judge who, being in service on or after the 1st day of October, 1974, retires, or dies in circumstances to which section 17 does not apply, subject to the modifications that—

(i) the minimum qualifying service for the purpose of entitlement to the gratuity shall be two years and six months;

(ii) the amount of gratuity shall be calculated on the basis of twenty days' salary for each completed year of service as a Judge; and

(iii) the maximum amount of gratuity payable shall be thirty thousand rupees.

Explanation.—In sub-sections (2) and (3), the expression "Judge" has the same meaning as in section 14.

4. *Insertion of new sections 22A, 22B and 22C.*—After section 22 of the principal Act, the following sections shall be inserted, namely:—

"22A. *Facility of rent free houses.*—(1) Every Judge shall be entitled without payment of rent to the use of an official residence in accordance with such rules as may, from time to time, be made in this behalf.

(2) Where a Judge does not avail himself of the use of an official residence, he may be paid every month an allowance of an amount equal to twelve and a half per cent of his salary.

22B. *Conveyance allowance.*—Every Judge shall be entitled to a conveyance allowance of three hundred rupees per month subject to the maintenance of a motor car by him.

22C. *Sumptuary allowance.*—The Chief Justice of every High Court shall be entitled to a sumptuary allowance of three hundred rupees per mensem."

5. *Insertion of new section 23D.*—After section 23C of the principal Act, the following section shall be inserted, namely:—

"23D. *Medical facilities for retired Judges.*—

(1) Every retired Judge shall, with effect from the date on which the High Court Judges (Conditions of Service) Amendment Act, 1976 receives the assent of the President, be entitled, for himself and his family, to the same facilities as respects medical treatment and on the same conditions as a retired officer of the Central Civil Services, Class I, and his family, are entitled under

any rules and orders of the Central Government for the time being in force.

(2) Notwithstanding anything in sub-section (1) but subject to such conditions and restrictions as the Central Government may impose, a retired Judge of the High Court for a State may avail, for himself and his family, any facilities for medical treatment which the Government of that State may extend to him."

6. *Amendment of section 24.*—In section 24 of the principal Act, —

(a) in sub-section (2), after clause (c), the following clause shall be inserted, namely:—

"(ca) use of official residence by a Judge under sub-section (1) of section 22A;"

(b) for sub-section (3), the following sub-section shall be substituted, namely:—

"(3) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule."

7. *Amendment of the First Schedule.*—In the First Schedule to the principal Act, —

(1) In Part I, after paragraph 9, the following paragraph shall be inserted, namely:—

"10. In the case of a Judge to whom this Part applies and who has retired on or after the 1st day of October, 1974, the foregoing provisions of this Part shall have effect subject to the modifications that —

(i) for paragraph 2, the following paragraph shall be substituted, namely:—

"2. Subject to the other provisions of this Part, the pension payable to a Judge to whom this Part applies and who has completed not less than seven years of service for pension shall be —

(a) for service as Chief Justice in any High Court, Rs. 2,400 per annum; and

(b) for service as any other Judge in any High Court, Rs. 1,600 per annum:

Provided that the pension shall in no case exceed Rs. 28,000 per annum in the case of a Chief Justice and Rs. 22,400 per annum in the case of any other Judge."

(ii) paragraphs 3 to 5 shall be omitted:

(iii) in paragraph 6, for the word and figure "paragraph 5", the word and figure "paragraph 2" shall be substituted;

(iv) for paragraph 8, the following paragraph shall be substituted, namely:—

"8. Notwithstanding anything contained in the foregoing provisions of this Part, the pension payable to a Judge who has completed fourteen years of service for pension, including not less than six years of service as Chief Justice of one or more of the High Courts, shall be Rs. 28,000 per annum."

(v) in paragraph 9, for the figures "6,000", the figures "8,400" shall be substituted;

(2) In Part II, after paragraph 3, the following paragraph shall be inserted, namely:—

"4. In the case of a Judge to whom this Part applies and who has retired on or after the 1st day of October, 1974, paragraph 3 shall have effect subject to the modifications that—

for the figures "1,333", "1,600", "1,866", "2,133", "2,400" and "2,666", the figures "1,866", "2,240", "2,612", "2,986", "3,360" and "3,733" shall respectively be substituted;

(3) In Part III, after paragraph 2, the following paragraph shall be inserted, namely:—

"3. In the case of a Judge to whom this Part applies and who has retired on or after the 1st day of October, 1974, clause (b) of paragraph 2 shall have effect subject to the modifications that—

for the figures "500" and "2,500", the figures "700" and "3,500" shall respectively be substituted."

Notification

LD/3017-J-76

The following Central Bill The Warehousing Corporations (Amendment) Bill, 1976 which was recently passed by the Parliament and assented to by the President of India on 24th March, 1976 and published in the Gazette of India Part II, Section I dated 25/3/76 is hereby republished for general information of the public.

B. S. Subbanna, Draftsman.

Panaji, 3rd July, 1976.

The Warehousing Corporations (Amendment) Act, 1976

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ACT

further to amend the Warehousing Corporations Act, 1962.

Be it enacted by Parliament in the Twenty-seventh Year of the Republic of India as follows:—

1. *Short title.*— This Act may be called the Warehousing Corporations (Amendment) Act, 1976.

2. *Amendment of section 2.*— In section 2 of the Warehousing Corporations

Act, 1962 (hereinafter referred to as the principal Act),—

(a) after clause (d), the following clause shall be inserted, namely:—

"(dd) "nationalised bank" means a corresponding new bank specified in the First Schedule to the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970;" 5 of 1970.

(b) in clause (i), the words "and includes a nationalised bank" shall be inserted at the end.

3. *Amendment of section 4.*— In section 4 of the principal Act, —

(a) in sub-section (1), the following proviso shall be inserted at the end, namely:—

"Provided that the Central Government may, from time to time, by order notified in the Official Gazette, increase the authorised share capital of the Central Warehousing Corporation to such extent and in such manner as that Government may determine;"

(b) in sub-section (2), in the opening sentence, for the words "The Central Government shall", the words "The Central Government shall, after due appropriation made by Parliament by law for the purpose," shall be substituted;

(c) in sub-section (4), for the words "the State Bank, any scheduled bank", the words "the State Bank or any other scheduled bank" shall be substituted.

4. *Amendment of section 16.*— In section 16 of the principal Act, in sub-section (2), after clause (b), the following clauses shall be inserted, namely:—

"(c) for meeting the expenses incurred in relation to the training of personnel, or publicity and propaganda, for the purpose of promoting warehousing and storage of agricultural produce and notified commodities;

(d) for meeting the expenses, including the salary, allowances and other remuneration of the officers and other employees, incurred in relation to the administration of the Warehousing Fund."

5. *Amendment of section 17.*— In section 17 of the principal Act, in sub-section (2), the following proviso shall be inserted at the end, namely:—

"Provided that the General Fund shall not be applied for meeting the expenses referred to in clause (c) or clause (d) of sub-section (2) of section 16."

6. *Amendment of section 19.*— In section 19 of the principal Act, in sub-section (1), the following proviso shall be inserted at the end, namely:—

"Provided that in respect of any State Warehousing Corporation the Central Government may, after consultation with the State Government concerned, from time to time and by order notified in the Official Gazette, increase the maximum limit of the authorised capital aforesaid to such extent and in such manner as the Central Government may determine."

7. *Amendment of section 27.*— In section 27 of the principal Act, in sub-section (2),—

(a) in clause (ii), for the words and figures "the State Bank of India Act, 1955", the words

and figures "the State Bank of India Act, 1955, or" shall be substituted;

(b) after clause (ii), the following clauses shall be inserted, namely:—

"(iii) from any nationalised bank, or

(iv) from such insurance company, investment trust or other financial institution as may be approved by the Central Government in this behalf."

8. *Amendment of section 28.*—In section 28 of the principal Act,—

(a) after the words "the State Bank", the words "or any nationalised bank" shall be inserted;

(b) for the words "any scheduled bank", the words "any other scheduled bank" shall be substituted.

9. *Insertion of new section 31A.*—In Chapter IV of the principal Act, after section 31, the following section shall be inserted, namely:—

"31A. *Returns and reports.*—A Warehousing Corporation shall furnish to the appropriate Government such returns, statistics, accounts and other information with respect to its property or activities as that Government may, from time to time, require."

10. *Amendment of section 41.*—In section 41 of the principal Act,—

(a) in sub-section (2),—

(i) in clause (e), for the words, brackets and figures "within the limit specified in sub-section (1) of section 19", the words, brackets and figures "within the maximum limit specified by or under sub-section (1) of section 19" shall be substituted;

(ii) clause (i) shall be re-lettered as clause (j), and before clause (j) as so re-lettered, the following clause shall be inserted, namely:—

"(i) the form and manner in which returns, statistics, accounts and other information are to be furnished, under section 31A, by a Warehousing Corporation;"

(b) in sub-section (3), for the words "if, before the expiry of the session in which it is so laid", the words "if before the expiry of the session immediately following the session" shall be substituted.

Notification

LD/3047-I/76

The following Central Bill Contempt of Courts (Amendment) Bill, 1976 which was recently passed by the Parliament and assented to by the President of India on 30th March, 1976 and published in the Gazette of India Part II, Section I dated 30-3-76 is hereby republished for general information of the public.

B. S. Subbanna, Draftsman.

Panaji, 5th July, 1976.

The Contempt of Courts (Amendment) Act, 1976

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to amend the Contempt of Courts Act, 1971

Be it enacted by Parliament in the Twenty-seventh Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Contempt of Courts (Amendment) Act, 1976.

2. *Amendment of section 15.*—In the Contempt of Courts Act, 1971, in section 15, in sub-section (1),—

(i) in clause (b), the word "or" shall be inserted at the end;

(ii) after clause (b), as so amended, the following clause shall be inserted, namely:—

"(c) in relation to the High Court for the Union territory of Delhi, such Law Officer as the Central Government may, by notification in the Official Gazette, specify in this behalf, or any other person, with the consent in writing of such Law Officer."